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PTO/SB/21 (08-08)

Approved for use through 04/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

Application Number	10/540,894
Filing Date	March 29, 2006
First Named Inventor	Nils Peter Adler
Art Unit	1793
Examiner Name	Erin P. Barry
Attorney Docket Number	ELO-00027

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<b>Remarks</b> Applicant believes no fee to be due for the attached filing, however, should additional fees be due in order to prevent the abandonment of this application, please consider this as authorization to charge Deposit Account No. 501612 (Warn Partners, P.C.) for any such fees due. A duplicate copy of this document is enclosed for this purpose.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Warn Partners, P.C.		
Signature			
Printed name	Philip R. Warn		
Date	March 3, 2009	Reg. No.	32775

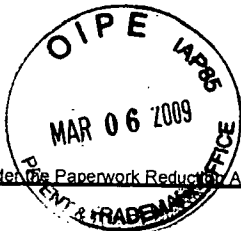
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Signature			
Typed or printed name	Philip R. Warn - 32775	Date	March 3, 2009

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Application Number 10/540,894

Filing Date March 29, 2006

First Named Inventor Nils Peter Adler

Art Unit 1793

Examiner Name Erin P. Barry

Attorney Docket Number ELO-00027

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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/540,894  
Filing Date: March 29, 2006  
Applicant: Nils Peter Adler  
Group Art Unit: 1793  
Examiner: Erin P. Barry  
Title: APPARATUS AND METHOD FOR WELDING A POUR  
SPOUT FITMENT TO A CONTAINER  
Attorney Docket: ELO-00027

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Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Sir:

This is in response to the Examiner's Final Office Action dated December 03, 2008, and the Advisory Action dated February 23, 2009, to which a timely response is due March 3, 2009. The Applicant respectfully requests reconsideration of the Examiner's rejections and/or objections in view of the remarks set forth below.

**Amendments to the Claims** are reflected in the listing of claims which begins on page on page 2 of this paper.

**Remarks** begin on page 4 of this paper.